

Application Serial Number: 09/245,101
1.116 Response dated April 5, 2004
Reply to Office Action dated January 5, 2004

Attorney Docket Number: 3037-4222
IDS 113082 (Kraml 5)

REMARKS

The Applicant requests entry of this Response, favorable reconsideration of this case, and early issuance of a Notice of Allowance.

Status of the Claims

Claims 1-7, 9-17, 19-34, 36-44, and 46-57 are pending in the application. Claims 1, 28, and 55 are independent claims. This Response does not amend the pending claims.

Response to the Objection to the Drawings

The Examiner objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4) because "reference character '150' has been used to designate both 'a target device' and 'a computer-controlled target device'." The Examiner maintained this objection in this Final Office Action, but incorrectly indicates that the Applicant did not address this objection in the previous amendment dated October 21, 2003. The Applicant traverses this objection to the drawings.

The Examiner discussed this objection to the drawings with the undersigned during a telephone conference on April 5, 2004. During the telephone conference, the Examiner agreed to issue an Examiner's Interview Summary withdrawing this objection.

In response to the objection, the Applicant respectfully submits that the interpretation of the statement "a computer-controlled target device 150" (page 8, line 24) must be derived from the context of the discussion of one embodiment of Fig. 1 (page 7, line 20 to page 9, line 6). The following excerpt is a relevant portion of the discussion.

The command signal generator 140 is prompted by each signal or command received from the message compare function 130 to send out a signal or command that causes the desired action to take place at the target device 150. This could be a trigger signal for triggering an electronic or mechanical action, or could be a computer command that causes an operation to be performed in a software-controlled component of the target device 150.

Therefore, the written description discloses that target device 150 receives one of two inputs.

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The first input is a trigger signal for triggering an electronic or mechanical action. The second input is a computer command that causes an operation to be performed in a software-controlled component of the target device. The phrase "a computer-controlled target device 150" refers to the second input. Thus, the Applicant believes that the Examiner should withdraw the objection to the drawings.

Response to the Rejections under 35 U.S.C. § 112 (first paragraph)

The Examiner rejected claims 1-57 under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the Applicant, at application filing time, had possession of the claimed invention. The Examiner indicates that the specification as originally filed does not support the disclosure in claims 1, 28, and 55 of the functional limitation "wherein each specific command causes said remotely located computer-controlled device to perform at least two actions". The Applicant traverses this rejection of the claims.

The Applicant directs the Examiner's attention to the written description pertaining to Fig. 1. The following excerpt is from page 7, lines 20-23 of the original specification.

In the embodiment of Fig. 1, the message compare function 130 matches each component of the received paging message to a set of one or more known commands or other expected components of the message and sends at least one signal or command determined by the result of the matching process to the command signal generator 140. The command signal generator 140 is prompted by each signal or command received from the message compare function 130 to send out a signal or command that causes the desired action to take place at the target device 150. This could be a trigger signal for triggering an electronic or mechanical action, or could be a computer command that causes an operation to be performed in a software-controlled component of the target device 150.

This portion of the specification discloses that the compare function matches each component of the message to one or more known commands or other expected components. As a result of the matching process, the disclosed invention sends at least one signal or command to the command

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signal generator. For each received signal or command, the command signal generator sends a signal or command that causes the desired action to take place at the target device. Thus, the Applicant respectfully asserts that the Examiner should withdraw this rejection of the claims.

Response to the Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-6, 9-11, 28-34, and 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Moughanni et al., United States Patent Number 5,608,655 (hereinafter "Moughanni") in view of Warner, United States Patent Number 4,214,229 (hereinafter "Warner"). The Examiner also rejected claims 11-17, 19-27, 38-44, and 46-57 under 35 U.S.C. § 103(a) as being unpatentable over Moughanni, in view of Warner, and further in view of Snyder, United States Patent Number 5,588,038 (hereinafter "Snyder"). The Examiner also rejected claims 7, 17, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Moughanni, in view of Warner, and further in view of Krishnan et al., United States Patent Number 6,075,863 (hereinafter "Krishnan"). Due to the common core of these rejections, the Applicant will treat them together for the sake of brevity. The Applicant traverses these rejections of the claims.

MOUGHANNI

Moughanni discloses a wireless paging device, system, and method for controlling an electro-mechanical device at a remote location. The control of the electro-mechanical device includes, for example, turning a thermostat on or off, turning off an iron accidentally left on, or turning on a car heater before a drive home. The wireless paging device includes a receiver to detect when a particular electro-mechanical device is being remotely accessed. If the electro-mechanical device is remotely accessed, a data processing system stores an incoming message in a buffer and subsequently determines if the incoming message is a command or another type of communication. The data processing system will process a command to provide the proper

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control signals for controlling the functionality of the electro-mechanical device.

Moughanni further discloses, as an example, an invention that "will allow a person who is working at a distant job site to page a thermostat at their house and dial in a first command to turn on the heater or air conditioner and a second command which specifies the temperature". Thus, each paging input command in Moughanni generates one command control signal that instructs an external device to perform one action.

WARNER

Warner discloses a remote control device adapted to operate on a single remotely transmitted standardized command signal of a specific duration having a frequency within a predetermined frequency band, to actuate one or more control functions at the receiver. Warner also discloses that commands for a multiplicity of functions can be accomplished using a single command to eliminate time-consuming procedures.

SNYDER

Snyder discloses a system and method for communicating with a remote location such as a vehicle or building. The system includes a calling transceiver, a central transceiver, and a satellite. The calling transceiver and the central transceiver control a device located in the remote location by sending transmissions to a forward wireless communication via the satellite and to a pager transceiver located in the remote location. The pager transceiver trips an electro-mechanical device as a result of receiving the transmission. The pager transceiver also has the capacity to transmit reverse wireless communications through the satellite.

KRISHNAN

Krishnan discloses a communication device that is controlled through the use of small programs or applets that are executed by a processor within the device. The applets may be

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loaded into the device from a local host computer or may be downloaded from a remote device or computer.

CLAIMED INVENTION

Independent claims 1, 28, and 55, recite a system and method for operation of a remotely located computer-controlled device. The system and method receive paging messages that include content data, compares the content data to a set of allowed commands, and sends commands to the remotely located computer-controlled device as a result of the comparing step. As claimed, "the content data includes a program" and "one of said at least one specific command sent to said remotely located computer-controlled device includes the program." The original specification provides support for this limitation on page 7, lines 3-9.

In contrast, Moughanni does not disclose that the content data portion of the paging message includes a program. Moughanni also does not disclose sending the program to the target device. In the response to the Applicant's argument, the Examiner incorrectly concludes that "the content portion of the paging message of Moughanni includes a program processed in the data processing section" because the data processing system shown in figure 1 includes a CPU. While it is true that a CPU is required to run a program, Moughanni does not disclose that the paging bit stream shown in figure 1 includes a program. Instead, Moughanni discloses a system that receives a paging input message that includes a command, and generates a control signal to perform one action (e.g., turning on a thermostat or setting a temperature) based on the command.

In further contrast, Warner does not disclose that the content data portion of the paging message includes a program. Warner also does not disclose sending the program to the target device. Warner only discloses a device that operates on a single remotely transmitted

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standardized command signal to actuate one or more control functions at the receiver. Warner does not disclose sending a program to the target device.

In further contrast, Snyder does not disclose that the content data portion of the paging message includes a program. Snyder also does not disclose and sending the program to the target device. Snyder only discloses a system for communicating with a remote location that includes a calling transceiver and central transceiver transmitting a wireless communication through a satellite to a paging transceiver located in a remote location to control a remote device.

In further contrast, Krishnan does not disclose a system and method for operation of a remotely located computer-controlled device as claimed. Krishnan does not disclose receiving paging messages that include content data, comparing the content data to a set of allowed commands, and sending commands to the remotely located computer-controlled device as a result of the comparing step.

For the reasons stated above, neither Moughanni nor Warner disclose as claimed that the content data portion of the paging message includes a program and sending the program to the target device. Thus, neither Moughanni nor Warner anticipates the claimed method and system for operation of a remotely located computer-controlled device. Furthermore, Moughanni and Warner either alone or taken in combination, do not render obvious the claimed method and system for operation of a remotely located computer-controlled device. The Applicant respectfully submits that the Examiner should withdraw these rejections as to independent claims 1, 28, and 55.

For the reasons stated above, neither Moughanni, Warner, nor Snyder disclose as claimed that the content data portion of the paging message includes a program and sending the program to the target device. Thus, neither Moughanni, Warner, nor Snyder anticipate the claimed

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method and system for operation of a remotely located computer-controlled device. Furthermore, Moughanni, Warner, and Snyder either alone or taken in combination, do not render obvious the claimed method and system for operation of a remotely located computer-controlled device. The Applicant respectfully submits that the Examiner should withdraw these rejections as to independent claims 1, 28, and 55.

For the reasons stated above, neither Moughanni, Warner, nor Krishnan disclose as claimed that the content data portion of the paging message includes a program and sending the program to the target device. Thus, neither Moughanni, Warner, nor Krishnan anticipate the claimed method and system for operation of a remotely located computer-controlled device. Furthermore, Moughanni, Warner, and Krishnan either alone or taken in combination, do not render obvious the claimed method and system for operation of a remotely located computer-controlled device. The Applicant respectfully submits that the Examiner should withdraw these rejections as to independent claims 1, 28, and 55.

Claims 2-7, 9-17, 19-27, 29-34, 36-44, 46-54, and 56-57 depend from either independent claim 1, 28, or 55. For the previously stated reasons, independent claims 1, 28, and 55 are allowable. Since any claim that depends from an allowable independent claims is also allowable, the Applicant respectfully submits that the Examiner should withdraw these rejections as to claims 2-7, 9-17, 19-27, 29-34, 36-44, 46-54, and 56-57.

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AUTHORIZATION

The undersigned hereby authorizes the Commissioner to charge all required fees, fees under 37 C.F.R. §§ 1.16 and 1.17, or all required extension of time fees for this paper to Deposit Account Number 13-4500, Order Number 3037-4222.

Respectfully submitted,
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Dated: April 5, 2004